

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein amendment and remarks, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 20-35 are currently under consideration. Claim 35 is amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

The amendment to claim 35 clarifies its dependency on claim 20. No new matter is added.

It is submitted that the claims herewith are patentably distinct over the prior art, and these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments to the claims presented herein are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply to clarify the scope of protection to which Applicant is entitled.

Objection to the Specification

The specification is objected to for reciting references to claims. In response, Applicants draw attention to the instant specification, which does not recite any references to claims, thereby rendering the objection moot. Consequently, reconsideration and withdrawal of the objection to the specification are requested.

II. THE REJECTIONS UNDER 35 U.S.C. §§ 112 AND 101 ARE OVERCOME

Claim 35 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action contended that the claim does not set forth any steps involved in the method/process, and that it is unclear what method/process Applicants intends to encompass.

Claim 35 was also rejected under 35 U.S.C. § 101 as allegedly not being a proper use claim, since no steps involved in the process are presented.

In response, Applicants point to the instant claims, wherein claim 35 is herein a device claim that is directed to, and depends from, the device of claim 20. Thus, the rejections under

Sections 112, second paragraph, and 101 are obviated, as claim 35 is not a method or use claim, and is thereby not subjected to the requirements of being a method or use claim.

Accordingly, reconsideration and withdrawal of the Section 112, second paragraph, rejection and the Section 101 rejection are requested.

CONCLUSION

In view of the remarks and amendments herewith, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,

FROMIMER LAWRENCE & HAUG LLP



By:

Ronald R. Santucci
Reg. No. 28,988
Telephone: (212) 588-0800
Facsimile: (212) 588-0500